

# United States District Court

for the  
Western District of New York

United States of America

Case No. 20-mj-1118

v.

Samuel Mara

*Defendant*

## CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

### COUNT 1

On or about June 6, 2020, in the Western District of New York, and elsewhere, the defendant, SAMUEL MARA, did knowingly, willfully, and unlawfully, transmit communications in interstate commerce, that is, a video posted on the internet website "Facebook" which traveled between the State of New York and the State of California, which contained threats to injure and kill the person of another, specifically, Victim 1, B.B. **All in violation of Title 18, United States Code, Section 875(c).**

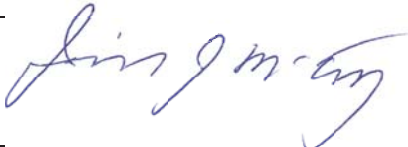
This Criminal Complaint is based on these facts:

☒ Continued on the attached sheet.

Jason Galle Digitally signed by Jason Galle  
Date: 2020.08.10 17:30:51 -04'00'

*Complainant's signature*

JASON GALLE  
SPECIAL AGENT  
FEDERAL BUREAU OF INVESTIGATION



*Judge's signature*

HONORABLE JEREMIAH J. MCCARTHY  
UNITED STATES MAGISTRATE JUDGE

*Printed name and title*

Sworn to and signed telephonically.

Date: August 10, 2020

City and State: Buffalo, New York

**AFFIDAVIT**

STATE OF NEW YORK    )  
COUNTY OF ERIE        )       SS:  
CITY OF BUFFALO        )

**JASON GALLE**, having been duly sworn, deposes and states:

1.       I am a Special Agent of the Federal Bureau of Investigation (FBI). As such, I am an “investigative or law enforcement officer of the United States” within the meaning of 18 U.S.C 2510 (7), that is, an officer of the United States empowered by law to conduct investigations of and to make arrests for offenses enumerated in 18 U.S.C 2516.

2.       I have served as an FBI Special Agent since May of 2009. During that time, I have participated in investigations involving violent crime, drug trafficking, organized crime matters, and international as well as domestic terrorism. In addition, I have had the opportunity to work with several other FBI agents and other law enforcement agents and officers of varying experience levels, who have also investigated cyber crimes. As a result of my experience, I am familiar with individuals who have a large social media presence and how they utilize cellular phones and other digital devices to upload content. I am also familiar how individuals can use these devices and platforms to conduct witness intimidation and send threatening communications. My investigative experience detailed herein, and the experience of other law enforcement agents who are participating in this investigation, serve as the basis for the opinions and conclusions set forth herein. This affidavit is being submitted

for a limited purpose, that is, a probable cause determination. Therefore, I have not presented all of the facts of this investigation to date. I have set forth only the information I believe to be necessary to establish probable cause.

3. Based on the facts set forth in this affidavit, there is probable cause to believe that **SAMUEL MARA** (hereinafter “**MARA**”) utilized interstate communications to threaten to injure the person of another in violation of 18 U.S.C. § 875(c) (hereinafter “the enumerated offense”). Based upon that information, I assert that the articulated facts establish grounds for the issuance of a Criminal Complaint and an arrest warrant for **SAMUEL MARA**.

#### **PROBABLE CAUSE**

4. On June 6, 2020, through investigative techniques, Special Agents (SA) of the Federal Bureau of Investigation (FBI), Buffalo Field Office and members of the New York State Police (NYSP) developed information regarding a Facebook Live video posted via Facebook user with account ID: 100001644905948 and which law enforcement identified as belonging to A.M, a close associate of **SAMUEL MARA**. Based on your affiant’s training and experience, and information learned during the course of the investigation, your affiant believes the aforementioned Facebook account is utilized by A.M.<sup>1</sup>

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<sup>1</sup> Your affiant has reviewed social media posts and other photographs of A.M. Based on your affiant’s review, I believe A.M. has utilized this account to post numerous photographs, quotes as well as videos of himself. As a result of my observations and investigation, your affiant believes A.M. is the user and content provider for this account.

5. The aforementioned Facebook Live post was a live stream video that lasted approximately two (2) hours and ten (10) minutes. The video was taken and broadcast by an individual (A.M.) apparently standing in front of the Buffalo Police Department, C District Station located in Buffalo, New York. In the video, a crowd can be seen and heard peacefully protesting, and an individual known to your affiant as A.M., an associate of **SAMUEL MARA**, can be seen changing the video from outward facing to front facing occasionally. At times, A.M. provides commentary to the video. **MARA** can be seen sporadically throughout the video. **MARA** is wearing no shirt, black shorts, black socks and dark sandals.<sup>2</sup>

6. At some point in the aforementioned video, the crowd eventually departs the C District station and walks south. The crowd continues its peaceful protest eventually walking eastbound on Genesee Street, Buffalo, New York. At approximately forty-five (45) minutes into the video, several members of the crowd begin shouting, “hey hey, ho ho, [individual known to law enforcement as B.B] has got to go.” Throughout the video, Facebook users watching the live stream posted comments. These comments can be seen by other Facebook users watching the video, as well as A.M. A.M. verbally acknowledges some of the comments left by viewers of A.M.’s live video. At approximately forty-six (46) minutes into the video, A.M. can be heard speaking out loud, apparently to individuals that are posting messages to him. A.M. then begins running to the front of the crowd and can be heard telling

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<sup>2</sup> Your affiant has utilized databases to obtain a photograph of **MARA**. Your affiant has reviewed social media posts made by **MARA** including photographs and videos. Often times, **MARA** uses the front facing camera of his hand held device to upload videos of himself on social media. As a result, your affiant has positively identified **MARA** in this video.

someone standing next to him that, “my live-stream is telling me that there’s a KKK rally downtown now.” Subsequently, A.M. begins telling others he believes there will be a KKK rally downtown. An unknown female tells A.M. that it’s a, “Police rally.” A.M. then approaches **MARA**, who can now be seen walking towards the front of the crowd. A.M. begins asking for directions to get back downtown from his location and states that he wants to go downtown immediately. At this point in the video A.M. and **MARA** were located at the intersection of Genesee Street and Roetzer Street, Buffalo, New York, continuing eastbound towards an underpass. Thereafter, A.M. appears to hand his phone to **MARA** and tells **MARA** to read his Facebook Live livestream comments. The camera perspective tilts to face the ground briefly and **MARA’s** feet, wearing the previously described sandals can be observed continuing to walk. **MARA’s** voice is now more prominent in the video and he can be heard saying:

Listen...what they’re gonna do is, they’re gonna drive themselves crazy outta’ all the overwhelming fear and one of them is (inaudible) gonna hurt us or kill us and that’s gonna start (inaudible) and then we gonna do whatever the fuck we want. It will happen, we are in power. They are scared. They will act off impulse and they will try to kill us, when they do that. Then they will all die. We will kill them all. I will personally kill [individual known to law enforcement as B.B.].

A.M. and **MARA** continue to discuss their location and how they are going to get downtown. Afterwards, **MARA** asks A.M.: “have you seen Planet of the Apes? You know Caesar? That’s like me.”<sup>3</sup> Based on my training and experience, and information learned during the course

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<sup>3</sup> Caesar is a character from a film titled Planet of the Apes. It should be noted, **MARA** uses the image of this character numerous times on his Facebook profile,

of the investigation, I believe **MARA** was aware of the Facebook Live stream. For instance, A.M. specifically told **MARA** to read the livestream comments being posted. Based on your affiant's review of the video, it appears that **MARA** follows those instructions and reads the comments. Your affiant has viewed numerous Facebook Live posts made by **MARA**. **MARA** is often times seen engaging in real time dialogue with users who are posting comments, that is, **MARA** will directly respond to a posted comment or question, as it appears on the screen. As a result of your affiant's observations, **MARA** is aware that Facebook Live is a platform that reaches all those watching in real time and that his words and actions are being heard and viewed as they occur. Based on **MARA's** awareness of the Facebook Live stream and the fact that he had apparently scrolled through the comments while he began his statement, it is my belief that **MARA** was aware that his threat to B.B. would be transmitted on the live stream.

7. On June 16, 2020, through investigative techniques, members of the FBI observed a Facebook post from account, [www.facebook.com/samuel.mara](https://www.facebook.com/samuel.mara), Profile ID: 100000502366701, display name "Sammy Jay." The post read, "Hey slave [redacted social media name known to law enforcement].. I'll be at the Niagara Square today around 2-3 for a few hrs, if you or [B.B.] the ROBOT wanna talk to me MAN to MAN then come see ME, we can do it without cameras as well idc" [*sic*].<sup>4</sup> Your affiant has reviewed social media posts

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[www.facebook.com/justin.richards.50702769](https://www.facebook.com/justin.richards.50702769), Profile ID: 100028354244615.

<sup>4</sup> "idc" is a slang abbreviation utilized by social media users meaning, "I don't care". **MARA's** refers to a known social media account in this post. It is believed that the operator of the applicable social media account is a Buffalo Police Officer who **MARA** has had numerous arguments on over social

made by **MARA** including photographs and videos. As a result of my observations and investigation, your affiant believes **MARA** is the user and content provider for this account.

8. On June 18, 2020, through investigative techniques, members of the FBI observed an Instagram post from account URL: [www.instagram.com/samplicitybrand](https://www.instagram.com/samplicitybrand), Username: samplicitybrand. An apparent redish-brown handprint can be seen on the fountain head at the corner of the stone monument.<sup>5</sup> The location associated with the post read, "Buffalo City Hall." The text below the photo uploaded by the user read, "samplicitybrand MY blood (syringe icon) MY kingdom (crown icon) [redacted social media account of B.B.] [redacted social media account of the Buffalo Police Department] [redacted social media account of the Governor of New York State] [redacted social media account of A.B., a Buffalo Police Officer.]" *[sic]*.<sup>6</sup> Your affiant has reviewed social media posts made by **MARA** including photographs and videos. As a result of my observations and investigation, your affiant believes **MARA** is the user and content provider for this account.

9. On June 18, 2020, through investigative techniques, members of the NYSP observed an Instagram post from account URL: [www.instagram.com/samplicitybrand](https://www.instagram.com/samplicitybrand),

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media platforms.

<sup>5</sup> Based on my training and experience, and information learned during the course of the investigation, your affiant knows that the monument depicted in the aforementioned post is the base of McKinley Monument, located in the center of Niagara Square, Buffalo, New York. This monument is located across the street from City Hall and B.B.'s office.

<sup>6</sup> During the course of the investigation, your affiant has reviewed the accounts tagged in **MARA's** Instagram post. These accounts are the official accounts of the identified users. It is known to your affiant that by linking or, tagging the accounts in this post made by Instagram user samplicitybrand, would notify the tagged user of the post and send it to their account. Therefore, tagging a user is akin to sending the message to the user.

username: samplicitybrand. The text across the video read, “Come take me off MY throne.. I dare you” [sic]. The video was made by **MARA** who changes the camera position from showing his vantage point to the front facing camera to show his face. The video shows **MARA** sitting on the McKinley Monument in Niagara Square, Buffalo, New York. **MARA** uses the camera to show a large redish-brown stain between his feet and says, “That’s my blood.” **MARA** then shows a redish-brown handprint on the monument and states, “That’s my fucking hand.” **MARA** then returns the camera to show his face and speaks directly at the camera stating, “Do something about it, take me down. Come here right now, take me down, and come take me off this motherfucker.”

10. On June 24, 2020, through investigative techniques, members of the FBI observed a Twitter post from account Twitter URL: [www.twitter.com/killallsimps](https://www.twitter.com/killallsimps), USERNAME: @killallsimps. The post included a screenshot from account [redacted social media account of B.B].<sup>7</sup> The post listed the phone number for the Buffalo Employment Training Center and was apparently made to draw attention to this service. The text above the photograph uploaded by the user read, “I will haunt you for the rest of your life; I already know I am in your soul. Now I will get deeper and deeper. My anger is inexplicable and you will FEEL it” [sic]. Your affiant has reviewed social media posts made by **MARA**

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<sup>7</sup> During the course of the investigation, your affiant has reviewed the accounts tagged in **MARA**’s Twitter post. These accounts are the official accounts of the identified users. It is known to your affiant that by linking or, tagging the accounts in this post made by Twitter user samplicitybrand, would notify the tagged user of the post and send it to their account. Therefore, tagging a user is akin to sending the message to the user.



including photographs and videos. As a result of my observations and investigation, your affiant believes **MARA** is the user and content provider for this account.

11. On June 24, 2020, through investigative techniques, members of the FBI observed a Twitter post from account Twitter URL: [www.twitter.com/killallsimps](https://www.twitter.com/killallsimps), username: @killallsimps. The text uploaded by the user read, “You really got me angry now bra.. you made the WORST decision you could’ve possible made, y’all NEVER try this shit when I’m here [redacted social media account of B.B.] [redacted social media account of A.B.] [redacted social media account of the Buffalo Police Department Alerts]” *[sic]*.

12. On June 25, 2020, through investigative techniques, members of the FBI observed an Instagram post from account URL: [www.instagram.com/samplicitybrand](https://www.instagram.com/samplicitybrand), username: samplicitybrand. The post was video approximately 37 seconds in duration. The video showed several individuals from the middle of the street. Police officers can be observed facing the crowd. B.B. can be seen walking down the street to a parked car. An individual known to your affiant as **MARA** can be observed with a backpack on walking towards B.B. It appears that **MARA** was able to get within a several feet of B.B. A police officer can be seen preventing **MARA** from approaching and closer. The text below the video uploaded by the user read, “**samplicitybrand** IS THIS YOUR KING??? [redacted social media account of the Buffalo Police Department]” *[sic]*.

13. On July 3, 2020, through investigative techniques, members of the FBI observed a Twitter post from account Twitter URL: [www.twitter.com/killallsimps](https://www.twitter.com/killallsimps), username: @killallsimps. The post was four photographs. One photograph showed B.B. wearing a suit, shaking hands with an individual. Another photograph, apparently from a different event shows B.B., wearing a t-shirt and baseball hat hugging an individual. The text above the photographs uploaded by the user read, “Lol really? [redacted social media account of B.B.] I know that YOU know MOST ppl won’t see this and see the DIRECT hidden message you’re sending to racists... you really holding a blue lives matter flag man I’m showing you ZER0 mercy when the time comes.. you continue to make me angry” [sic].

14. On July 4, 2020, through investigative techniques, members of NYSP observed an Instagram post from the account [www.instagram.com/samplcitybrand](https://www.instagram.com/samplcitybrand), username: samplcitybrand. The text uploaded to the post said, “gotta be quicker than thaaat [first name of B.B.]” [sic]. The user uploaded a video which was approximately twenty-eight (28) seconds in duration. The video appeared to be from a handheld device, filming from the user’s perspective. The voice heard on the video appears to be that of **MARA**.<sup>8</sup> The video is taken from the sidewalk filming up the driveway of a residence. The location is known to your affiant as B.B.’s residence. **MARA** can be heard shouting, “yo [first name of B.B.]. Can we talk?” At that time, the user points the camera up the driveway and zooms in on B.B. who can be see standing in the driveway carrying a recycling bin.

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<sup>8</sup> As stated above, your affiant is familiar with **MARA**’s voice from reviewing numerous videos where **MARA** can be seen speaking directly into a front facing camera.

15. On July 5, 2020 through investigative techniques, members of the Buffalo Police Department observed a Snapchat post from account, *samplcityiskey*, vanity name Sammy Jay.<sup>9</sup> The user posted a text which read, “Your son’s soul is next.. warn him [redacted social media account of B.B.]” [*sic*]. The next post appears to be a screen capture from a Facebook Messenger direct message conversation between this Facebook Account and B.B.’s son. The text reads:

Sammy Jay: I want your soul

Sammy Jay: Give it to me or I’ll take it from you, thru your eyes.

Sammy Jay: PHOTO (A screenshot of **MARA’s** feet from the McKinley Monument with the redish-brown stain from the June 18, 2020, Instagram post)

Sammy Jay: That’s my hand.. come do something about it since your father isn’t man enough.

16. On July 15, 2020, through investigative techniques, members of the FBI observed a Facebook post from account, [www.facebook.com/justin.richards.50702769](https://www.facebook.com/justin.richards.50702769), Profile ID: 100028354244615, display name “Sammy Jay (Caeser).” The text for the video read, “COPS HERE!!!!!!” [*sic*]. The user posted a video at approximately 10:19 a.m. lasting approximately seventeen (17) minutes and forty-five (45) seconds. The video shows the driveway of a residence in Buffalo, New York believed to **MARA’s** residence. Members of

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<sup>9</sup> Your affiant has spoken with the BPD members, who have reviewed of social media posts made by **MARA** on his Snapchat account, as well as Facebook, Instagram and Twitter. **MARA** is known to the BPD members who have seen his social media posts as well as being personally familiar with him from encounters in their official capacity. As a result of these observations BPD members believe **MARA** is the user and content provider for this account.

the Buffalo Police Department and members of Erie County Crisis Services can be seen standing in the driveway of the residence. The individuals from Crisis Services are attempting to speak with **MARA**. During the video, **MARA** can be heard accosting the individuals. **MARA** is agitated and can be seen walking up and down the driveway. At one point in the video, **MARA** is walking towards one of the police officers and says, “little ass gun too, lucky I don’t take that shit.” **MARA** tells the individuals repeatedly that he will not answer to his name, he will only speak to them if they refer to him as, “King Caesar.” Your affiant has reviewed social media posts made by **MARA** including photographs and videos. As a result of my observations and investigation, your affiant believes **MARA** is the user and content provider for this account.

17. On July 15, 2020, **MARA** was admitted to ECMC where he remained until July 27, 2020. On July 27, 2020, your affiant learned that **MARA** was no longer under medical care at ECMC. Your affiant subsequently viewed **MARA’s** publically available social media accounts and observed that **MARA** began uploading new content starting in the afternoon of July 27, 2020.

18. According to law enforcement, on July 18, 2020, the office of B.B. was notified by ECMC of a potential threat against his or her person.

19. On July 29, 2020, through investigative techniques, members of the FBI observed an Instagram post from the account, [www.facebook.com/samuel.mara](https://www.facebook.com/samuel.mara), Profile ID:

100000502366701, display name “Sammy Jay.” The post was text only which read, “No Mercy Buffalo Police Department [redacted name of B.B.]” *[sic]*. The post linked the text for Buffalo Police Department directly to the Buffalo Police Department’s official Facebook page. The text for B.B. linked directly to B.B.’s official Facebook page.

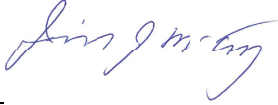
20. Through my training and experience as well as well as my conversations with Special Agents and Investigators who are familiar with cyber crimes and investigations involving social media companies, I have learned the following: Facebook is a product of Facebook Inc., a company headquartered in Menlo Park, California. Twitter is a company headquartered in San Francisco, California. Instagram LLC, a company that is owned by Facebook, Inc. is headquartered in Menlo Park, California. Snapchat is a social media application that is owned by Snap, Inc., a company headquartered in Venice, California. Based on my conversations with Special Agents and Investigators who have served numerous search warrants on the above listed companies. These companies maintain their servers and therefore, their content in these locations. As a result, threats transmitted by **MARA** utilizing, Facebook, Instagram, Twitter and Snapchat have traveled outside of New York State. Based on my training and experience, and information learned during the course of the investigation, because the internet is the means to engage in commerce and the method by which transactions occur, the internet is an instrumentality and channel of interstate commerce.

**WHEREFORE**, based upon the foregoing, your Affiant believes there is probable cause to believe that **SAMUEL MARA** utilized interstate communications to threaten to injure the person of another in violation of 18 U.S.C. § 875(c), requests that a criminal complaint and arrest warrant as aforesaid is issued, and that this complaint and affidavit be sealed based on a continuing investigation and further Order of this Court.

**Jason Galle** Digitally signed by Jason Galle  
Date: 2020.08.10 17:28:25 -04'00'  
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JASON GALLE  
Special Agent  
Federal Bureau of Investigation

Sworn to and signed telephonically

this 10th day of August, 2020.



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HONORABLE JEREMIAH J. MCCARTHY  
United States Magistrate Judge